

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

David L. Patton

A METHOD FOR PRINTING AND
VERIFYING LIMITED EDITION
STAMPS

Serial No. 09/534,433

Filed 23 March 2000

Group Art Unit: 3722
Confirmation No.: 1516
Examiner: Mark T. Henderson

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

APPELLANTS' REPLY BRIEF

This Reply Brief is necessitated by the Examiner's Answer mailed March 9, 2007.

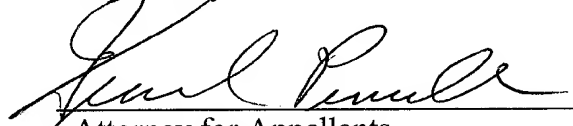
The Examiner argues in the Answer that providing an inherent second indicia for confirming that the limited edition of the postal stamp is a valid limited edition official postal stamp. In this regard, the Examiner relies on the fact that the printing of the stamp includes unique flaws or imperfections, wherein the print acts as a pseudo fingerprint. Applicant respectfully submits that this is mere speculation as to whether or not the printing has features that would confirm whether it is a limited edition stamp. There is nothing that teaches or suggests that the mere fact of printing a stamp would provide a unique pattern or that it could be used as a means for confirming that a stamp is a valid limited edition stamp as taught and claimed by Applicant. Applicant respectfully submits that speculation as to the inherent properties of printing is inappropriate for establishing that a claim limitation is present.

The Examiner also submits that a recitation of intended use of a claimed invention must result in a structural difference between the claimed invention and prior art. In this regard, the second indicia, as set forth in independent claim has a specific property, i.e. the capability of confirming that it is a limited edition stamp. As such, this is a definitive structure that must be considered in determining obviousness and is not simply a mere intended use.

With regard to the Schlauch reference, the mere fact that there is an indication that something is one out of a number, does not in and of itself indicate that it is a limited edition stamp. The fact that something states that it is one out of a number, could simply represent, for example, a document that is one page out of a number of predetermined pages that are provided on each document. However, that does not indicate that each document is a limited edition item.

For the foregoing reasons and the reasons set forth in Applicant's Brief, Applicant respectfully submits that the cited art fails to teach or suggest the invention as taught and claimed by Applicant.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Frank Pincelli', written over a horizontal line.

Attorney for Appellants
Registration No. 27,370

Frank Pincelli/jpc
Telephone: 585-722-3335
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.